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Attorneys for Defendant OneMain Financial Group, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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FRANCES WEBSTER, : Civil Action No.
: :
: Plaintiff, :
: :
vs. : NOTICE OF REMOVAL
: :
ONEMAIN FINANCIAL, INC.; EXPERIAN :
INFORMATION SOLUTIONS, INC. :
: Document Filed Electronically
: Defendants. :
: :
: :
----- x

Defendant OneMain Financial Group, LLC, improperly named in the complaint as OneMain Financial, Inc. (“OneMain”) by filing this Notice of Removal and related papers, hereby removes the above-captioned action from the Superior Court of New Jersey, Law Division – Special Civil Part, Burlington County, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. In support of removal, OneMain states:

1. Plaintiff Frances Webster (“Plaintiff”) filed the above-captioned action on or about January 24, 2018, in the Superior Court of New Jersey, Law Division – Special Civil Part, Burlington County, which was assigned Docket No. BUR-DC-000548-18. Plaintiff purportedly

served OneMain with the Complaint on January 30, 2018 via certified mailing at an address in Irving, Texas that is not a principal place of business for OneMain. Therefore, OneMain disputes that proper service of the Summons and Complaint has been made. Nonetheless, in the interest of efficiently moving this case forward, and without waiving any arguments as to the sufficiency of service of process, OneMain hereby seeks removal. A true and correct copy of the Summons and Complaint is attached hereto as Exhibit A. No further proceedings have occurred in the Superior Court of Burlington County, New Jersey with regard to this action.

2. The Superior Court of New Jersey, Law Division – Special Civil Part, Burlington County is located within the District of New Jersey and, therefore, removal to this Court satisfies the venue requirements of 28 U.S.C. § 1446(a).

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, because the Complaint includes a claim arising under the laws of the United States. Specifically, the Complaint seeks damages against OneMain for alleged violations of the Fair Credit Reporting Act. § 1681, *et seq.* The Complaint does not contain any claims arising under state law.

4. Even if Plaintiff's January 30, 2018 mailing constituted valid service, this Notice of Removal is filed within 30 days after service of the Summons and Complaint on OneMain, and is therefore timely under 28 U.S.C. § 1446(b).

5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being submitted for filing with the Clerk of the Superior Court of New Jersey, Law Division – Special Civil Part, Burlington County, and is also being served upon Plaintiff.

6. Accordingly, pursuant to 28 U.S.C. §§ 1441 and 1446, the Action may be removed to this Court.

7. In filing this Notice of Removal, OneMain does not waive any defenses which may be available to it, including, but not limited to, sufficiency of service of process and personal jurisdiction.

8. OneMain is represented by the undersigned counsel who certifies, pursuant to Rule 11 of the Federal Rules of Civil Procedure, that the foregoing is true and correct.

9. Undersigned counsel has been authorized to state that Experian Information Solutions, Inc. (“Experian”) consents to the removal of this action to this Court, subject to and without waiving any and all defenses and rights available to it. A Consent to Removal signed by counsel for OneMain and Experian is attached as Exhibit B.

WHEREFORE, OneMain, pursuant to 28 U.S.C. § 1441, removes this action in its entirety from the Superior Court of New Jersey, Law Division – Special Civil Part, Burlington County, to this Court.

SILLS CUMMIS & GROSS P.C.
*Attorneys for Defendant OneMain
Financial Group, LLC*

By: /s/ Gregory E. Reid
GREGORY E. REID

Dated: Newark, New Jersey
February 26, 2018

LOCAL CIVIL RULE 11.2 VERIFICATION

Other than the action filed in the Superior Court of New Jersey, Law Division - Special Civil Part, Burlington County, which is the subject of this Notice of Removal, the matter in controversy is not, to the best of OneMain's knowledge, information and belief, the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

SILLS CUMMIS & GROSS P.C.
*Attorneys for Defendant OneMain
Financial Group, LLC*

By: /s/ Gregory E. Reid
GREGORY E. REID

Dated: Newark, New Jersey
February 26, 2018

CERTIFICATION OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing Notice of Removal with the Clerk of the Court by using the CM/ECF system, a true and correct copy of which will be sent to the following:

Daniel Zemel, Esq. (via FedEx and E-mail)
ZEMEL LAW, LLC
78 John Miller Way, Suite 430
Kearny, New Jersey 07032
Attorneys for Plaintiff
Frances Webster

Clerk (via NJ Court's e-filing system)
Superior Court of New Jersey, Law Division, Special Civil Part
County of Burlington
49 Rancocas Road
Mount Holly, NJ 08060

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

By: /s/ Gregory E. Reid
GREGORY E. REID

Dated: Newark, New Jersey
February 26, 2018